IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION (MAIN) NO. 17 OF 2007

WANG WEI CHUN PRESENTLY AT SUB JAIL, SADA, VASCO ....Appellant

Versus

STATE THROUGH PUBLIC PROSECUTOR ....Respondent

Ms. Winnie Coutinho, Public Prosecutor for the State.

Coram:- N. A. BRITTO, J.

Date:- 8th March, 2007

ORAL ORDER

The petitioner who is undergoing trial in Sessions Case no. 4/2006, under Section 302 I.P.C., seeks speedy trial of his case.

2. A report was called for from the learned Additional Sessions Judge, who is seized with the case of the petitioner. From the report dated 27.02.2007, it appears that the case of the petitioner was fixed last on 01.03.2007 and has been fixed on 26.03.2007 for examination of out station witnesses and on 10.05.2007, for the examination of overseas witnesses.

3. From the report it appears that the petitioner/accused was arrested on 21.10.2005 and since then is in custody. It appears that initially some delay took place because services of an interpreter were required to be obtained from the Chinese Embassy, and later, on account of filing of an application by the accused for change of his Advocate. The charge against the accused was framed on 09.06.2006 and examination of witnesses began on 30.06.2006 but it appears that thereafter there was some delay on account of non-receipt of exhibits from C.F.S.L.,

Hyderabad, which since then, have been received. It appears that two of the witnesses are foreign nationals and some time is being taken to ascertain their whereabouts and to summon them. It also appears that on 21.12.2006, when the accused requested the Court to expedite his case, the accused was explained the difficulties which came in the way in procuring the said overseas witnesses. It appears that when the case was taken up on 05.02.2007, the overseas witnesses could not remain present before the Court as summons issued to them were not served and, on 26.02.2007, it was represented to the Court that atleast 90 days time would be required for service to the said overseas witnesses who are residing in Taiwan. Considering the difficulties faced in securing the witnesses from Hyderabad and the overseas witnesses from Taiwan, the case was fixed on 26.03.2007 and 10.05.2007 respectively. I have no doubt in my mind, the learned trial Court will proceed with the trial with the speed it requires and, therefore, considering the facts explained in the report, no further directions need to be given to the learned Additional Sessions Judge, who is seized with the trial of the accused in the said Sessions case. The delay occurred has certainly brought about some frustration on the part of the petitioner/accused but in the circumstances of the case, the delay was inevitable. Considering the facts explained by the learned Additional Sessions Judge in her report, I have no doubt in my mind that the learned Additional Sessions Judge will proceed with the trial with the expedition it requires after impressing upon the prosecution the need to secure the presence of all the witnesses so that the trial may be completed as early as possible.

4. With the above observations, the petition is disposed of. The copy of this Order be sent to the Superintendent of Sub-jail, Sada, to be given to the petitioner/accused.

N. A. BRITTO, J.

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